

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO: 7:08-CR-00119-FL

UNITED STATES OF AMERICA)	
Plaintiff)	
v.)	ORDER
)	
WILLIAM JOSEPH INMAN)	
Defendant)	

This matter comes before the court on defendant's objections to the memorandum and recommendation ("M&R") entered by the United States Magistrate Judge, which recommends this court deny defendant's motion to suppress. By motion to suppress filed January 28, 2009, defendant sought to exclude the following evidence on the basis that it was obtained in violation of his Due Process rights and his rights under the Fourth and Fifth Amendments to the United States Constitution: (1) all physical evidence obtained through the execution of a "no knock" warrant on January 17-18, 2008; (2) defendant's statements made to law enforcement during and after that raid; (3) defendant's statements made to Agent M. E. Francisco on January 18, 2008, and any evidence derived from those statements. The United States Magistrate Judge held a hearing on defendant's motion on February 19, 2009, and subsequently filed a M&R recommending that this court deny the motion to suppress. The magistrate judge found that the police were warranted in relying in good faith on the "no knock" warrant, that defendant's statements made to Agent Francisco are inadmissible (as conceded by the government), and that defendant's statements made to Detective Lee Odham, which defendant at hearing contended should also be suppressed, were admissible because they were voluntary and given after defendant executed a valid waiver of his Miranda rights.

Defendant now objects to all findings made by the magistrate judge, essentially renewing his arguments on each issue. In addressing defendant's objection to an M&R, the district court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id.

After thorough *de novo* review of the record, the M&R, the parties' briefings on the issues raised by defendant's motion, and the relevant law, this court finds defendant's objection to be without merit. The M&R thoroughly and correctly addresses each of defendant's contentions. Defendant has not advanced any additional legal theories or case law, nor does this court's research reveal anything that would indicate that the considered reasoning of the M&R is incorrect. Consequently, defendant's objection is OVERRULED. Except as heretofore stated, the court adopts the findings of the M&R as its own and DENIES defendant's motion to suppress.

SO ORDERED, this the 17th day of April, 2009.


LOUISE W. FLANAGAN
Chief United States District Judge